

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MAYA SMITH, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LAURIE VAUGHT,

Respondent-Appellant,

and

MICHAEL SMITH,

Respondent.

In the Matter of MAYA SMITH, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHAEL SMITH,

Respondent-Appellant,

and

LAURIE VAUGHT,

Respondent.

Before: Davis, P.J., and Sawyer and Schuete, JJ.

UNPUBLISHED

June 15, 2006

No. 267674

Oakland Circuit Court

Family Division

LC No. 05-711275-NA

No. 267675

Oakland Circuit Court

Family Division

LC No. 05-711275-NA

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the termination of their parental rights to the minor child pursuant to MCL 712A.19b(3)(g) and (j). We affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

Respondents have raised a total of seven issues on appeal.¹ First, respondent mother argues that the trial court's findings of fact were not supported by the evidence. This Court reviews the trial court's findings of fact under the clearly erroneous standard. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). We have carefully reviewed the record and conclude that there was sufficient evidence to support the trial court's findings. Therefore, we find no error.

Both respondents contend that the statutory grounds for termination of their parental rights were not established by clear and convincing evidence. We disagree. The lower court terminated respondents' parental rights pursuant to MCL 712A.19b(3)(g) and (j). The court relied primarily upon the fact that both respondents had a 20-year history of severe substance abuse that had not been resolved at the time of the termination hearing. Moreover, because respondents did not substantially comply with services and did not make themselves available to petitioner for assistance, there was no reasonable expectation that the parents would be able to provide proper care and custody within a reasonable time. Because there was clear and convincing evidence to support termination of respondents' parental rights pursuant to MCL 712A.19b(3)(g) and (j), we find no error.

Next, respondents both argue that the court erred when it found that the evidence did not clearly show that termination of respondents' parental rights was contrary to the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). We disagree. Because of their severe substance abuse and dependence upon others for their own necessities of life, respondents could not provide a safe and stable environment for their daughter.

Finally, respondent-father argues that the trial court abused its discretion when it permitted Officer Sarvello, an undisclosed witness, to testify. Whether the trial court erred when it permitted an undisclosed witness to testify is reviewed by this Court for an abuse of discretion. *Gilliam v Lloyd*, 172 Mich App 563, 584; 432 NW2d 356 (1988). It is unnecessary for us to decide whether an abuse of discretion occurred because we find respondent-father suffered no prejudice from the admission of Sarvello's testimony. The officer's testimony was cumulative of

¹ One of those issues stated in the Statement of Questions Presented, Issue II, was omitted in the argument section of respondent-mother's brief on appeal. Respondent-mother has abandoned the issue by not sufficiently briefing it on appeal. *Blazer Foods Inc v Restaurant Properties, Inc*, 259 Mich App 241, 251-252; 673 NW2d 805 (2003).

testimony previously admitted. Because the testimony was cumulative of other evidence, any error that might have occurred was harmless. See, e.g., *People v Solomon*, 220 Mich App 527, 531; 560 NW2d 651 (1996).

Affirmed.

/s/ Alton T. Davis
/s/ David H. Sawyer
/s/ Bill Schuette